



032204

17707 U.S. PTO

EXPRESS MAIL LABEL NO.: EL625997155US  
ATTORNEY DOCKET NO.: A0407-001592F

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

17513 U.S. PTO  
10/806089

032204

In re Reissue Application  
of U. S. Patent No. 5,872,229Inventors: Jih-Hua Liu *et al.*

Applicants: Abbott Laboratories

Granted: February 16, 1999

Reissue Serial Number:  
TBAFor: Process for 6-O-Alkylation of  
Erythromycin DerivativesGroup Art Unit:  
TBAExaminer:  
TBA

## REISSUE PATENT APPLICATION TRANSMITTAL

Mailstop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application for Reissue of: Utility Patent

- 1.
- ☒
- Fee Transmittal Form (Submit an original, and a duplicate for fee processing)

## Fee Payment

- ☐ Not enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☒ A check in the amount of \$856.00 is enclosed.
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ to our Deposit Account 16-0633.
- ☒ Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 16-0633. This

paragraph is intended to be a **CONSTRUCTIVE PETITION FOR  
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

2. ☐ Applicant claims small entity status
3. ☒ Specification and Claims in double column copy of patent format
- 9 Pages of specification including:
- 2 Page of claims
- 1 Page of abstract, title page, patent number and date of issue
- 0 Drawings;
- and
- 0 Pages of Certificate of Correction
4. ☐ Drawing(s)
5. Reissue oath/Declaration and Power of Attorney (copy)
- ☒ Enclosed and executed by the assignee.
- ☐ Not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration.
6. ☐ Power of Attorney
7. Original U.S. Patent currently assigned? ☒ Yes ☐ No  
(If Yes, Please check applicable box(es))
- ☒ Written Consent of all Assignees
- ☒ 37 C.F.R. § 3.73(b) Statement
- U.S. Patent No. 5,872,229 is assigned of record to **Abbott Laboratories** and is recorded at Reel 007799, Frame 0189, recorded on 21 November, 1995.
8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
9. ☐ Nucleotide and/or Amino Acid Sequence Submission
10. ☒ Statement of status and support for all changes to the claims
11. ☐ Original U.S. Patent for surrender

- ☐ Ribboned Original Patent Grant
- ☐ Statement of Loss
12. ☐ Foreign Priority Claim
- Certified Copies: ☐ is/are attached.
- ☐ will follow.
- ☐ were filed in the prior U.S. Application serial number
13. ☒ Information Disclosure Statement and PTO 1449
- ☒ Copies of IDS citations not included in original application:
- U.S. Patent Nos. 3,869,444, 4,331,803, 4,349,545, 4,476,298, 4,496,717,  
4,526,889, 4,640,910, 4,668,776, 4,670,549, 4,680,386, 4,740,502, 4,833,236,  
5,274,085, 5,302,705, and EP 0,080,819 A1, EP 0,063,489 A1, EP 0,201,166 A1,  
and EP 0,194,833 A2.
14. ☐ English Translation of Reissue Oath/Declaration
15. ☒ Preliminary Amendment (included with statement of status and support for all changes to the claims)
16. ☒ Return Receipt Postcard
17. Other: Not Applicable
18. Correspondence Address:
- Attention: IP Docketing  
Patterson, Belknap, Webb & Tyler, LLP  
1133 Avenue of the Americas  
New York, New York 10036

Customer Number or Bar Code Label: 23723

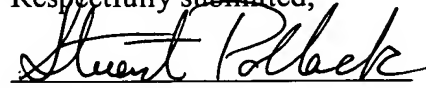
19. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 C.F.R. § 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in part

**Please accord this Reissue Application an application number and filing date.**

Dated: March 22, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart E. Pollack", written over a horizontal line.

Stuart E. Pollack

Reg. No. 43,862

Mailing Address:

Attention: IP Docketing

Patterson, Belknap, Webb & Tyler, LLP

1133 Avenue of the Americas

New York, New York 10036

(212)336-2000

(212)336-2222 fax

**Customer No. 23723**

**REISSUE APPLICATION FEE TRANSMITTAL FORM**

Docket Number (Optional)

A0407-001592F

Claims as Filed - Part 1								
	(1) Claims in Patent	(2) Number Filed in Reissue Application	(3) Number Extra	Small Entity			Other than a Small Entity	
				Rate	Fee		Rate	Fee
Total Claims (37 CFR 1.16(j))	(A) 7	(B) 14	**** 0 =	x \$ _____ =		or	x \$ 18 =	0
Independent claims (37 CFR 1.16(i))	(C) 1	(D) 2	* 1 =	x \$ _____ =			x \$ 86 =	86.00
Basic Fee (37 CFR 1.16(h))				\$ _____				\$ 770.00
Total Filing Fee				\$ _____			OR	\$ 856.00

Claims as Amended - Part 2									
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity			Other than a Small Entity	
					Rate	Fee		Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	* =	x \$ _____ =			x \$ _____ =	
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	x \$ _____ =			x \$ _____ =	
Total Additional Fee					\$ _____			OR	\$ _____

\* If the entry in (D) is less than the entry in (C), Write "0" in column 3.

\*\* If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.

\*\*\* After any cancellation of claims.

\*\*\*\* If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).

\*\*\*\*\* "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

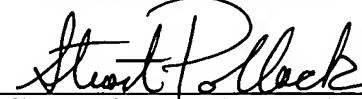
☐ Applicant claims small entity status. See 37 CFR 1.27.☐ Please charge Deposit Account Number \_\_\_\_\_ in the amount of \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.☒ The Director is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account Number 16-0633.  
A duplicate copy of this sheet is enclosed.☒ A check in the amount of \$ 856.00 \_\_\_\_\_ to cover the filing/additional fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

March 22, 2004

Date

43,862

Registration Number, if applicable



Signature of Applicant, Attorney or Agent of Record

Stuart E. Pollack

Typed or printed name

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ATTORNEY DKT NO.: A0407-001592F

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application	)	
of U. S. Patent No. 5,872,229	)	
	)	
Inventors: Jih-Hua Liu <i>et al.</i>	)	
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Applicants: Abbott Laboratories	)	Group Art Unit:
	)	TBA
Granted: February 16, 1999	)	
	)	
Reissue Serial Number:	)	
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For: Process for 6-O-Alkylation of	)	Examiner:
Erythromycin Derivatives	)	TBA

Mailstop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 22, 2004

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No.: EL625997155US

Date of Deposit: March 22, 2004

Sir:

I hereby certify that the following attached papers:

1. Reissue Patent Application Transmittal Form;
2. Reissue Application Fee Transmittal Form (**2 copies**);
3. Check for \$856.00;
4. Assent of Assignee to Reissue;
5. Certificate under 37 C.F.R. § 3.73(b);
6. Reissue Application (original patent, consisting of 9 pages including: 2 pages of claims, 1 page of abstract);
7. Reissue Declaration and Power of Attorney signed by the assignee;
8. Statement of status and support for all changes to the claims and Preliminary Amendment

9. Information Disclosure Statement and Form PTO 1449 (2 sheets) (2 copies)

10. Copies of references referred to in PTO 1449 not included in original patent application, including U.S. Patent Nos. 3,869,444, 4,331,803, 4,349,545, 4,476,298, 4,496,717, 4,526,889, 4,640,910, 4,668,776, 4,670,549, 4,680,386, 4,740,502, 4,833,236, 5,274,085, 5,302,705, and EP 0,080,819 A1, EP 0,063,489 A1, EP 0,201,166 A1, and EP 0,194,833 A2.

11. Return Post Card.

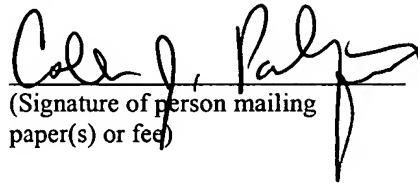
are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mailstop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**Mailing Address:**

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1133 Avenue of the Americas  
New York, New York 10036-6710  
Tel: (212) 336-2000  
Fax: (212) 336-2222



Stuart E. Pollack



(Signature of person mailing  
paper(s) or fee)